



HIPAA Overview



May05

Delaware Health and Social Services
Division of Public Health



Objectives

- Gain a basic understanding of HIPAA
- Increase general understanding of how DPH will be affected
- Obtain an understanding of your role and responsibilities
- Link PH Core Competencies and Essential PH Services to HIPAA





Public Health Core Competencies

- Analytic/Assessment Skills
- Policy Development/Program Planning Skills
- Communication Skills





Essential Public Health Services

- # 3 Inform, educate, and empower people about health issues
- # 8 Assure a competent public health and personal health care workforce





Hybrid Entity

Public Health is considered to be a hybrid entity. DPH has activities that are covered and other activities not covered by HIPAA.





What is HIPAA?

The Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law was passed by Congress.



Components You Need to Know and Understand

- Protected Health Information
 - What is PHI
 - What is ePHI
 - When and how PHI can be released
 - When HIPAA does not apply to PHI
 - How to de-identify PHI





What is PHI?

Protected Health Information (PHI) is personal and sensitive information related to a person's health care.

For example, a patient's diagnosis.





What is ePHI?

Electronic Protected Health Information (ePHI) is:

- Transmitted by electronic media or
- Maintained in electronic media



When and How PHI Can Be Released

- Treatment
- Payment
- Health Care Operations



When HIPAA Does Not Apply to PHI



DPH will release information as required by law. Some examples of such releases would be for law enforcement or national security purposes, subpoenas or other court orders, and communicable disease reporting.





How to De-identify PHI

De-identifying PHI requires the removal of all identifiers of the individual and of the individual's relatives, household members, and employers.





Patient's Rights

Notice of Privacy Practices (NPP) summarizes the privacy policies and procedures which informs patients of his/her rights and the Division's requirements for the protection of personal and sensitive information.





Notice of Privacy Practices (NPP)

- Each patient will be given a copy on his/her first visit
- Display at all sites and copies made available in both English and Spanish
- Patient must acknowledge receipt of the NPP either by signature or note in medical chart





Patient's Rights

Patients have the right to access his/her protected health information (PHI) and/or request to restrict the use and disclosure of their medical information.





Request Restrictions

The patient can request Division of Public Health (DPH) restrict how PHI is used or shared to carry out Treatment, Payment or Health Care Operations (TPO).

DPH is not required to agree to the request.





Treatment

DPH may use and disclose medical information to coordinate health care.

For example, you may notify your client's doctor regarding his/her care.





Payment

DPH may use and disclose sensitive medical information so the care one receives can be properly billed and reimbursed.

For example, DPH may submit a bill to your insurance company for payment.





Health Care Operations

DPH may need to use and disclose information for our health care operations.

For example, DPH may use information to review the quality of care one receives.





Right of Access to PHI

Patients have a right to inspect and receive a copy of PHI that is used to make decisions about them. There are certain exceptions to this rule.

Please use the appropriate form located in DPH Privacy Standards.





Example

Jennifer was seen by a Nurse Practitioner for a routine exam. During check out, she asked Mike, a receptionist at the front desk, for copies of her chart. Mike politely makes copies of her entire chart and gives her the copies.





Example

Is this the appropriate way for Jennifer to receive copies of her medical charts?





Example

No. Mike needed to advise Jennifer that copies of medical records are obtained by completing the Patient Request for Access Form and submitting it to administrative staff for approval.





Accounting of Disclosures

An accounting is required for disclosure of which the patient may not be aware. For an example, those which are required by law (such as abuse or communicable diseases) or accidental disclosure. Such as faxing PHI to the wrong place.





Accounting of Disclosures

Patients have a right to receive a written list of certain disclosures we have made of their Protected Health Information (PHI).





Accounting of Disclosures

Patients may request a listing of disclosures that was made of their PHI up to six (6) years. This does not include disclosures made prior to April 14, 2003.

Any request of accounting of disclosures need to be referred to your administrator.





Accounting of Disclosures

The following disclosures are not required to be accounted for:

- Treatment, Payment and Health Care Operations (TPO)
- Disclosure authorized by the patient or authorized representative
- Disclosure to the patient or persons involved with his/her care





Accounting of Disclosures

- Other disclosures which are not required to be accounted for:
 - Correctional institutions or law enforcement officials having lawful custody of an inmate; incidental disclosures
 - National security or intelligence purposes
 - Limited Data Sets used for research purposes





Right to Amendment of PHI

- Patients have a right to request that DPH amend their PHI
- Requests for amendments are made by completing the Request for Amendment of PHI form





Right to Complain

- Patients have a right to complain about DPH policies and procedures regarding privacy and security of his/her PHI
- Patients should be referred to your section Liaison and/or HIPAA Coordinator





Patient Right to Object to Disclosure

The patient must opt-out to prevent any information being disclosed.

When a patient “opts-out”, his/her information will not be shared with any callers or visitors from the outside.





Right to Confidential and Alternative Communications

A patient has a right to request how and when they are contacted.

DPH must accommodate reasonable requests, which must be in writing.





Refraining from Intimidating or Retaliatory Acts

DPH may not intimidate, threaten, coerce, discriminate against, or take other retaliatory action against individuals or a representative for filing a complaint regarding the Division's privacy practices.





Entertainment - Dear Abby

HOSPITALS MUST FOLLOW WISHES OF PATIENTS WHO WANT PRIVACY

Tue Mar 1, 8:00 PM ET

By Abigail Van Buren

DEAR ABBY: I am a nursing supervisor in a large hospital. There is a policy in hospitals that the public does not understand, and it has caused more than a few problems.

Because of privacy laws, all patients admitted to the hospital must be asked if they want to be a "privacy patient" or a "no publicity patient." If they answer yes to that question, it means that if anyone calls, or comes to the hospital, we cannot even acknowledge that the patient is here. We must say, "I don't have a patient listed by that name."

Not surprisingly, this often upsets friends and family members. So please, Abby, remind your readers about the privacy laws. We are not purposely lying to anyone; we are just following the patient's instructions and obeying the rules. Thank you. -- FRUSTRATED NURSE IN IRONTON, OHIO

DEAR FRUSTRATED: Thank YOU for injecting an important dose of reality. While some patients may welcome visitors, many more do not. One solution is to assign a particular relative or friend to be the "minister of information." That way, there is less emotional wear and tear on all concerned.



Enforcements for Privacy and Security

- Enforced by different agencies
 - Office of Civil Rights (OCR) enforces privacy with civil penalties
 - Department of Justice (DOJ) enforces privacy with criminal penalties
 - Center for Medicare/Medicaid (CMS) enforces security





Questions???

Contact:

HIPAA Coordinator
Division of Public Health
Jesse Cooper Building
Support Services
(302) 744.4706





HIPAA Resources

- <http://www.hhs.gov/ocr/hipaa/>
- <http://www.cms.hhs.gov/>
- <http://www.hipaagives.org>
- <http://www.hipaadvisory.com>
- **HIPAA Coordinator 302.744.4706**





Quiz

1. Security breaches can cause you to violate the Privacy Rule.
True/False?

TRUE





Quiz

2. Protected Health Information is anything that connects a patient to his/her health information.
True/False?

TRUE





Quiz

3. Public Health is considered to be a hybrid entity.
True/False?

TRUE





Quiz

4. You are permitted to use and disclose Protected Health Information for treatment, payment and health care operations.
True/False?

TRUE





Quiz

5. You must have the patient sign an authorization form for anything other than treatment, payment and health care operations.
True/False?

TRUE





Quiz

6. A patient has a right to request that DPH amend his/her PHI.
True/False?

TRUE





Quiz

7. The Notice of Privacy Practices gives patients notice about how DPH uses and discloses his/her PHI, to include their rights.
True/False?

TRUE





Quiz

8. A change in our work culture will require all of us to think differently. True/False?

TRUE



Thank you!!!

- The HIPAA hippo stands ever ready to assist you whenever you have HIPAA issues.

